

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER O'KEEFE,)	Civil No. 07cv2409 L(RBB)
)	
Plaintiff,)	CASE MANAGEMENT CONFERENCE
)	ORDER REGULATING DISCOVERY AND
v.)	OTHER PRETRIAL PROCEEDINGS
)	
BOSTON MUTUAL LIFE INSURANCE)	(Rule 16, Fed.R.Civ.P.)
COMPANY, an unknown business)	(Local Rule 16.1)
entity; DOES 1-50, inclusive,)	
)	
Defendants.)	
_____)	

Pursuant to rule 16 of the Federal Rules of Civil Procedure, a case management conference was held on February 21, 2008. After consulting with the attorneys of record for the parties and being advised of the status of the case, and good cause appearing,

IT IS HEREBY ORDERED:

1. All discovery shall be completed by all parties on or before November 24, 2008. All motions for discovery shall be filed no later than thirty (30) days following the date upon which the event giving rise to the discovery dispute occurred. For oral discovery, the event giving rise to the discovery dispute is the completion of the transcript of the affected portion of the

1 deposition. For written discovery, the event giving rise to the
2 discovery dispute is the service of the response. All
3 interrogatories and document production requests must be served by
4 September 29, 2008.

5 2. Plaintiff(s) shall serve on all other parties a list of
6 expert witnesses whom Plaintiff(s) expect(s) to call at trial by
7 September 29, 2008. Defendant(s) shall serve on Plaintiff(s) a
8 list of expert witnesses Defendant(s) expect(s) to call at trial by
9 October 27, 2008. Each party may supplement its designation in
10 response to the other party's designation no later than November
11 10, 2008. The parties must identify any person who may be used to
12 present evidence pursuant to Rules 702, 703 or 705 of the Federal
13 Rules of Evidence. This requirement is not limited to retained
14 experts. The designation(s) shall comply with rule 26(a)(2) of the
15 Federal Rules of Civil Procedure and be accompanied by a written
16 report prepared and signed by each witness, including in-house or
17 other witnesses providing expert testimony. The failure to fully
18 comply with these requirements may result in the exclusion of
19 expert testimony.

20 3. Any motion to join other parties, to amend the pleadings
21 or to file additional pleadings shall be filed and heard on or
22 before August 25, 2008.

23 4. All other pretrial motions must be filed on or before
24 December 22, 2008. Please be advised that counsel for the moving
25 party must obtain a motion hearing date from the law clerk of the
26 judge who will hear the motion. **Be further advised that the period**
27 **of time between the date you request a motion date and the hearing**
28 **date may vary from one district judge to another. Please plan**

1 **accordingly.** For example, you should contact the judge's law clerk
2 in advance of the motion cutoff to calendar the motion. Failure to
3 timely request a motion date may result in the motion not being
4 heard.

5 Questions regarding this case should be directed to the
6 judge's law clerk. The Court draws the parties' attention to Local
7 Rule 7.1(e)(4) which requires that the parties allot additional
8 time for service of motion papers by mail. Papers not complying
9 with this rule shall not be accepted for filing.

10 Briefs or memoranda in support of or in opposition to any
11 pending motion shall not exceed twenty-five (25) pages in length
12 without leave of the judge who will hear the motion. No reply
13 memorandum shall exceed ten (10) pages without leave of the judge
14 who will hear the motion.

15 Pursuant to Civil Local Rule 7.1(f)(3)(c), if an opposing
16 party fails to file opposition papers in the time and manner
17 required by Civil Local 7.1(e)(2), that failure may constitute a
18 consent to the granting of a motion or other request for ruling by
19 the court. Accordingly, all parties are ordered to abide by the
20 terms of Local Rule 7.1(e)(2) or otherwise face the prospect of any
21 pretrial motion being granted as an unopposed motion pursuant to
22 Civil Local Rule 7.1(f)(3)(c).

23 Should either party choose to file or oppose a motion for
24 summary judgment or partial summary judgment, no Separate Statement
25 of Disputed or Undisputed Facts is required.

26 5. Further settlement conferences shall be held at
27 appropriate intervals during the course of the litigation in the
28 chambers of Judge Ruben B. Brooks. A telephonic, attorneys-only

1 settlement conference is set for May 20, 2008, at 8:00 a.m.
2 Counsel for Plaintiff is to initiate the call. A mandatory
3 settlement conference date will be set at one of the scheduled
4 settlement conferences.

5 All parties, claims adjusters for insured Defendants and non-
6 lawyer representatives with complete authority to enter into a
7 binding settlement, as well as the principal attorneys responsible
8 for the litigation, must be present and legally and factually
9 prepared to discuss and resolve the case at the mandatory
10 settlement conference and at all settlement conferences. Retained
11 outside corporate counsel shall not appear on behalf of a
12 corporation as the party representative who has the authority to
13 negotiate and enter into a settlement. Failure to attend or obtain
14 proper excuse will be considered grounds for sanctions.

15 If Plaintiff is incarcerated in a penal institution or other
16 facility, the Plaintiff's presence is not required at conferences
17 before Judge Brooks, and the Plaintiff may participate by
18 telephone. In that case, defense counsel is to coordinate the
19 Plaintiff's appearance by telephone.

20 **Confidential written settlement statements for the mandatory**
21 **settlement conference shall be lodged directly in the chambers of**
22 **Judge Brooks no later than five court days before the mandatory**
23 **settlement conference.** The statements need not be filed with the
24 Clerk of the Court or served on opposing counsel. The statements
25 will not become part of the court file and will be returned at the
26 end of the conference upon request. Written statements may be
27 lodged with Judge Brooks either by mail or in person.

28

1 Any statement submitted should avoid arguing the case.
2 Instead, the statement should include a neutral factual statement
3 of the case, identify controlling legal issues, and concisely set
4 out issues of liability and damages, including any settlement
5 demands and offers to date and address special and general damages
6 where applicable.

7 If appropriate, the Court will consider the use of other
8 alternative dispute resolution techniques.

9 6. Despite the requirements of Civil Local Rule 16.1(f),
10 neither party is required to file Memoranda of Contentions of Fact
11 and Law at any time. The parties shall instead focus their efforts
12 on complying with their pretrial disclosure requirements under rule
13 26(a)(3) of the Federal Rules of Civil Procedure by April 6, 2009,
14 and drafting and submitting a proposed pretrial order by the time
15 and date specified by Local Rule 16.1(f)(6).

16 7. Counsel shall confer and take the action required by
17 Local Rule 16.1(f)(4) on or before April 10, 2009. A personal
18 meeting between an incarcerated Plaintiff, acting in pro per, and
19 defense counsel is not required.

20 At this meeting, counsel shall discuss and attempt to enter
21 into stipulations and agreements resulting in simplification of the
22 triable issues. Counsel shall exchange copies and/or display all
23 exhibits other than those to be used for impeachment, lists of
24 witnesses and their addresses including experts who will be called
25 to testify and written contentions of applicable facts and law.
26 The exhibits shall be prepared in accordance with Local Rule
27 16.1(f)(2)(c). Counsel shall cooperate in the preparation of the
28 proposed final pretrial conference order.

1 8. The proposed final pretrial conference order, including
2 objections to any party's Fed. R. Civ. P. 26(a)(3) pretrial
3 disclosures, shall be prepared, served and lodged with the Clerk of
4 the Court on or before April 13, 2009, and shall be in the form
5 prescribed in and in compliance with Local Rule 16.1(f)(6).
6 Counsel shall also bring a court copy of the pretrial order to the
7 pretrial conference.

8 9. The final pretrial conference shall be held before the
9 Honorable M. James Lorenz, United States District Judge, on April
10 20, 2009, at 11:00 a.m.

11 10. The dates and times set forth herein will not be modified
12 except for good cause shown.

13 11. Plaintiff's(s') counsel shall serve a copy of this order
14 on all parties that enter this case hereafter.

15
16 Dated: February 22, 2008


RUBEN B. BROOKS
United States Magistrate Judge

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18 cc: All Parties of Record
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CASE RESOLUTION GUIDELINES

Attendance

All parties and claims adjusters for insured Defendants and representatives with complete authority to enter into a binding settlement, as well as the principal attorney(s) responsible for the litigation, must be present and legally and factually prepared to discuss and resolve the case. Failure to attend or obtain proper excuse will be considered grounds for sanctions.

Case Resolution Conference Briefs

Written statements, when specifically requested, shall be lodged in the chambers of Judge Brooks no later than five court days before the scheduled conference. The statements will not become part of the court file. Written statements may be submitted on a confidential basis and lodged with Judge Brooks either by mail or in person.

Any statement submitted should avoid arguing the case. Instead the statement should include a neutral factual statement of the case and concisely set out issues of liability and damages, including any settlement demands and offers to date, and address special and general damages where applicable.

If appropriate, the court will consider the use of other alternative dispute resolution techniques.

If you have any further questions, please feel free to contact my research attorney, at (619) 557-3404.